

IN The District Court of Harrison County

Southern District.

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Armstrong Knight
v.

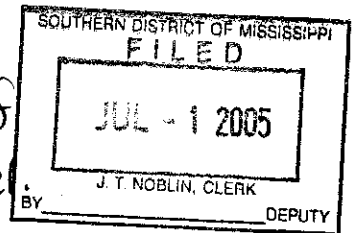
George Payne sr. et. al:

Plaintiff

Action no. 1:05 cv 186 LG JMR.

Defendant.

Motion of Brief of
Appointment of Counsel



Comes Now. Armstrong Knight, plaintiff, in the above styled motion requesting this Honorable Court to Appoint Counsel to the plaintiff in this Action. The plaintiff presents issues in support of his request.

I

The plaintiff feels he has a substantial chance to prevail on his claims due to the fact that his claims involve material facts which are verifiable through documentation, also where photographs were taken of his injury's producing a factual showing of injury. As well numerous persons involved in the incident's outside of the plaintiff and defendant's such witnesses as other jail inmates and friends and family.

Appointment of Counsel would help the plaintiff to be able to understand and utilize these resources to further substantiate his claim. And personally the plaintiff still suffers from the incident's under this action. see *Montgomery v. Pinchak*, 294, F.3d. 492, 501 (3rd Cir 2002) and *Tucker v. Randall*, 948, F.2d. 388, 391, (7th Cir 1991)

II

The plaintiff is at a serious disadvantage due to incarceration, being unable to produce independent research and investigation to the action brought, in any case where there is required a separate from discovery, resource or issue that needs to be brought to the attention of appropriate parties the plaintiff does not have the ability to secure that information. Such gathering of facts may be vital to the presentation of the claims, or enforcing a fact to claim that is not materially

Produceable.

Local Counselor's may already be knowledgeable of Cognizeable facts to present, and will be able to exercise in unrestrained investigation's which could provide basis, or suport a Claim.

Such issue's Arise such as where the ~~these~~ plaintiff know's the Condition's He was subjected to were in direct opposition to a standing Consent decree between the u.s. Justice dpt and the Harrison Co. Jail. of unconstitutional Conditions, staff training ect. And the plaintiff has exercised his ability to find and obtain a Copy of the said Consent decree and is unable to do so. he has even filed a freedom of information Act. request which has been pending for aprox four month's, and, believe's he is not going to be responded to. an appointment of Counsel may better secure these facts by investigation, which plaintiff believe's would seriously reinforce his Claim's... see *Murrell v. Bennett*, 615, F.2d. 306, 311 (5th Cir 1980)

III

The plaintiff disclose's That he has a Action ~~pending~~ that involve's Complicated issue's and fact's in need of Competent Counsel to handle. to note among other's deliberate indifference of Jail official's that involve week's of unsanitary housing which require documentation and Proof that he is unknowlegeable to request, and issue's involving multiple masked task force official's and gun man, where Compelling the official's to diclose identification and then to deal with Cirtifiability's to the gun man and possession of weapon then if he/she followed Correct procidure in discharging weapon's ect. Are Complicated issue's in need of Competent Counsel Handling. This Action involve's aprox 18 Defendant's including rage's of issue's from property deprivation to assault, negligence and deliberate indifference And may include necessary action as Adding and/or deleting defendant's And other issue's Causing it to be Complex. see *Norton v. Dimazana*, 122, F.3d. 286, 293 (5th Cir 1997) Counsel would be able to better sort fact's, relevant from Irrelevant issue's. ~~where~~ it is a Considerable possibillity the plaintiff being inexperienced may

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disrupt his own claim in over exercising motion writing ability's on matters that deserve less attention than those in need of serious attention. The amount of defendant's and issue's will require substantial amount of paperwork and experienced legal personnel would be better prepared. The statement's and testimony will be substantial also, requiring a knowledgeable person to be able to conduct effective cross examination of the defendant which the defendant having no past legal experience feels he is unprepared to handle. see Copez v. Reyes, 692, F.2d. 15 (5th Cir 1982).

IV

due to the Plaintiff's limited knowledge of the law he is currently unaware of the clarity of the law regarding all his issue's. he understand's some issue's to be legally clear but unable to make a determination regarding all issue's involved. being an additional reason appointment of Counsel becomes essential. The Plaintiff dose continue to research the law and continually familiarize's himself regarding his Areas of Action. he dose not wish to be unprepared possibly damaging his claim of merit due to his hinderd access to the law. being an additional reason he request Counsel. may the Court be reminded he dose diligently research and actively try to learn the law and processes herein.

V

The plaintiff show's the Court he is not just totally ignorant to all ability's of law. he dose file this motion in good faith because even though he may file and cite areas of law adequately the Action herein is more extensive than filing of motion's, especially being at a disadvantage to investigate which would support his claim's, the complexity of the issue's and fact's, for collaboration, being knowledgeable in what to request in discovery ect: and the numerous different claim's requires being fluent in law especially where the amount of testimony and examination that's required, require's the experience and handling

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ability of more than a beginner in law.

VI

The Plaintiff has attempted to obtain Counsel via mail to Harrison County Civil attorney's but those Letters have gone unresponded to. this occurring for a period of time prior to the filing of this action. which by the non-response's caused the plaintiff to file his Complaint pro se.. as of this time since that filing the Plaintiff has contacted his family who in turn contacted ~~law firms~~ in attempt to secure Counsel, upon those contacts attorney assistance has not been secured due to ~~not~~ being unable to afford attorney fee's. as well, those attorney's declined to accept on a pro Bono basis. These issue's now lead to the plaintiff requesting the Court to Appoint Counsel. he has tried to secure Counsel otherwise

VII

Wherefore Primitives Considered, The plaintiff respectfully pray's this Honorable Court Grant him his request, of apointment of Counsel for this action.

Respectfully Submitted

Armstrong J. Knight.

M.W.C.F.

P.O. Box 526

Columbia, MS, 39429

June 30th 2005.

Date